

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

H. JULIAN HILL, *et ux.*,

Case No. 08-14969

Plaintiffs,

Marianne O. Battani

vs.

United States District Judge

U.S. AIRWAYS, et al.,

Michael Hluchaniuk

United States Magistrate Judge

Defendants.

**ORDER ON MOTION TO STRIKE PLAINTIFFS' EXPERT
WITNESSES AND TO QUASH DEPOSITIONS (Dkt. 25)**

Defendants filed a motion to strike plaintiffs' expert witnesses, a motion to quash plaintiffs' notices to depose defendants' expert witnesses, and for sanctions. (Dkt. 25). This motion was referred to the undersigned by District Judge Marianne O. Battani for hearing and determination. (Dkt. 26). Plaintiffs filed a response on September 18, 2009 and defendants filed a reply on October 2, 2009. (Dkt. 30, 32). A telephone hearing was held on October 14, 2009.

According to the amended scheduling order issued on June 12, 2009, discovery closed on August 21, 2009. (Dkt. 13). According to the original scheduling order, plaintiffs' expert disclosures were due on May 29, 2009 and defendants' expert disclosures were due on June 12, 2009. (Dkt. 7). Plaintiffs did

not identify any expert witnesses by the court-imposed deadline, while defendants filed an expert witness list by the court-imposed deadline. (Dkt. 14). Neither party, however, prepared or exchanged expert witness disclosures as contemplated by Rule 26(a)(2). At that hearing, and as reflected in the parties joint statement of resolved and unresolved issues, the parties agreed that if the deadline for expert witness discovery were extended, their other disputes could be resolved and that no sanctions were warranted. Specifically, the parties agreed that plaintiffs would provide a supplemental response to Interrogatory No. 24 by October 24, 2009; plaintiffs would produce their experts for deposition by December 14, 2009; defendants would produce their experts for deposition by January 15, 2009; and the parties also agreed that defendants' motion for protective order was granted, quashing plaintiffs' August 14, 2009 notices of deposition.

Based on the foregoing, the Court **ORDERS** that the parties must comply with the above referenced agreed on deadlines and must complete all expert witness discovery by **January 15, 2010**. The Court also **GRANTS** defendants' motion for protective order, quashing plaintiffs' August 14, 2009 notices of deposition. Further, the parties may file motions to compel regarding any timely served discovery requests.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), objections must be served on this Magistrate Judge.

Date: October 23, 2009

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on October 23, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Leland Prince, Leland Prince, and David R. Baxter.

s/James P. Peltier
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